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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 17-0563 BMK
)	
Plaintiff,)	ORDER GRANTING DEFENDANT'S
)	ORAL MOTION FOR
vs.)	DETERMINATION
)	OF MENTAL COMPETENCY
ANIL USKANLI,)	
)	
Defendant.)	
)	

**ORDER GRANTING DEFENDANT'S ORAL MOTION FOR
DETERMINATION OF MENTAL COMPETENCY**

On May 22, 2017, the Defendant's oral motion for determination of the Defendant's mental competency came on as a result of Defendant ANIL USKANLI's interactions with defense counsel prior to his initial appearance on a criminal complaint, charging the Defendant with interference with flight crew members in violation of Title 18 United States Code, Section 46504. Federal Public Defender Peter Wolff appeared on behalf of the Defendant, who was also present, and Assistant U.S. Attorney Morgan Early appeared on behalf of the United States. The defense orally requested that the Defendant undergo a mental competency evaluation, and the government did not object. The Court has reviewed the records and files herein as well as the Defendant's oral motion for determination of the Defendant's mental competency.

After hearing no objections from the government, this Court is satisfied that there is reasonable cause to believe that the Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

It is therefore ORDERED that the Defendant's oral motion for a determination of mental competency is GRANTED.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. § 4241(b) and 4247(b), the Defendant, Anil Uskanli, is committed to the Metropolitan

Detention Center (MDC) in Los Angeles, California, or such other facility as the Bureau of Prisons may direct, for the purpose of determining whether Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Said examination shall, pursuant to 18 U.S.C. § 4247(b), be conducted within thirty days, and may be extended an additional 15 days upon a showing of good cause that additional time is necessary to observe and evaluate Defendant. Said thirty days shall run from the time Defendant arrives at the federal medical facility.

Pursuant to 18 U.S.C. § 4247(c), the examiner(s) shall provide the Court with a report setting forth:

- a. Defendant's history and present symptoms;
- b. A description of the psychiatric, psychological, and medical tests that were employed and their results;
- c. The examiner's findings;
- d. The examiner's opinions as to diagnosis and prognosis; and
- e. The examiner's opinion as to whether Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the

nature and consequences of the proceedings against him or to assist properly in his defense.

The report shall be produced and transmitted directly to the Court, not to either counsel. The Court will conduct an *in camera* review of the report prior to providing it to the parties. The Court shall then transmit the report to the parties in accordance with its *in camera* determination. Once all the parties have had an opportunity to review the report, a hearing to determine Defendant's competency will follow.

The Court further directs the United States Marshal to transport Defendant both to and from the federal medical facility conducting the examination, in the most expeditious manner possible.

The hearing on the government's Motion to Detain Defendant Without Bail, and all other proceedings in this case, will be suspended and continued pending resolution of the issue of Defendant's competency.

IT IS FURTHER ORDERED that the interests of justice and extraordinary circumstances justify this continuance because it would be unfair to Defendant to proceed with this case until his mental competency is determined. Therefore, the period of time from the filing of this Order until the date when the

competency hearing is held is excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(A) and (h)(1)(H).

APPROVED AND SO ORDERED.

DATED: May 22, 2017, at Honolulu, Hawaii.



A handwritten signature in black ink, appearing to read "18/5/17" followed by a stylized signature.

Barry M. Kurren
United States Magistrate Judge

APPROVED AS TO FORM:

/s/ Peter C. Wolff, Jr.
PETER C. WOLFF, JR.
Attorney for Defendant

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